

PTO/PCT Rec'd 09 JAN 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	ATTN: PCT/DO/EO
PLOUG et al.	)	
I.A. PCT/DK99/00377	)	
I.A. Filing Date: 01 July 1999	)	
Appln. No.: Not yet Assigned	)	Washington, D.C.
Filed: 09 January 2001	)	January 9, 2001
For: PEPTIDE ANTAGONISTS OF THE HUMAN UROKINASE...	)	Atty.Docket: PLOUG=1

DECLARATION OF OLIVIA J. BANE

I, Olivia J. Bane, hereby solemnly declare and state as follows:

I currently hold the position of Assistant Docketing Manager in the Docketing Department of Browdy and Neimark, P.L.L.C.

Submitted herewith as Exhibit B is a copy of my resume as it appeared at the time of my application for employment at Browdy and Neimark on July 22, 2000. All of the information therein is true and correct to the best of my knowledge and belief.

I was originally hired by Browdy and Neimark on a temporary basis on July 2, 2000, as an assistant to the Docketing Manager. On August 28, 2000, I assumed the permanent position of Assistant Docketing Manager at Browdy and Neimark. My job includes docketing new applications; docketing all critical deadlines for Office Actions, both United States and foreign, including matching each office action with the correct

file, and then distributing it to the appropriate person for action; checking through each case and making sure that everything has been done before paying the Issue Fee on a pending application; and preparing all formal drawings required for filing to the PTO. I was also trained on how to record and deliver the daily documents.

Through my hard work and dedication I became entrusted with an increasing amount of responsibility and higher work load.

In addition to my regular duties I am one of the employees of Browdy and Neimark entrusted by the firm to deliver papers for filing in the U.S. Patent and Trademark Office (PTO) on a given day to the PTO Mailroom. This duty is rotated among three employees. On January 2, 2001, I had the duty to hand-carry all papers to the PTO Mailroom.

Part of the standard operating procedure at Browdy and Neimark is to keep a logbook in the Docketing Department listing each paper filed in the Patent and Trademark Office each day. To the left of the identification of the application is a column in which the initials of the person who reviews the papers and places them in the envelope for carrying to the PTO are inserted. The right-most column contains the initials of the person who physically carries the papers to the PTO Mailroom. Submitted herewith as Exhibit A are the logbook entries for January 2, 2001. Some of these items contain my initials "OJB" in the left-hand column. All of these items contain my initials, sometimes shortened to "OB", in the right-hand column. I hereby confirm that the

initials "OJB" and "OB" appearing on these pages, where they appear in both columns, are my initials and placed there by me. I can therefore state of first-hand knowledge that each and every item bearing my initials in the left-hand column were placed by me into the envelope which was to be carried to the PTO on that day. The items bearing my initials in the right-hand column were in the envelope that was carried by me to the PTO on that evening. This includes all of the papers required for entering the U.S. national phase of this application, including the filing fee, which is the third item listed on the first page of Exhibit A.

On the date of January 2, 2001, my scheduled working hours were 9 a.m. to 5:30 p.m. However, because there was a delay in completion of some of the papers which needed to be filed at the PTO on that day, I had to wait at Browdy and Neimark until approximately 7:20 p.m. before I could leave. On that evening, I had a previously scheduled dinner appointment in the area of Dupont Circle. Because of the delay in providing the papers to me for hand-carrying to the PTO, I did not have the time to do this duty before my previously scheduled dinner appointment. Accordingly, I made the decision to attend this dinner appointment, which would be completed in sufficient time to deliver the papers to the PTO Mailroom well before 12 midnight.

In the course of my training for the job of delivering materials to the Patent and Trademark Office, the importance of delivering these papers prior to the midnight deadline was impressed upon me, and I fully understood the criticality of

doing so and the possibly catastrophic results if this job was not accomplished.

In order to be absolutely sure about the times involved in the evening, I sought to verify where possible the exact times that significant events occurred. Submitted herewith as Exhibit L is the credit card receipt from the Brickskeller Restaurant whose address is 1523 22<sup>nd</sup> Street, N.W., which is about four blocks from the Dupont Circle Metro Station. I have obliterated the account number for privacy purposes. The receipt shows that the bill was paid at 22:32 (10:32 p.m.). I thought that this would leave sufficient time to take the Metro to Crystal City and drop the papers at the Mailroom prior to midnight.

In order to determine when I arrived at the Dupont Circle Metro Station, the SmarTrip Line of the Washington Metropolitan Transit Authority was contacted by telephone. I paid for the trip from Dupont Circle to Crystal City using the firm SmarTrip card which had account no. 428762 printed on the back. Submitted herewith as Exhibit M is a photocopy of both sides of this card (enlarged). The SmarTrip Line telephone service confirmed that this SmarTrip card was used at the Dupont Circle North Entrance at 23:00 on January 2, 2001. It was my understanding that the normal travel time from the Dupont Circle Metro Station to the Crystal City Metro Station plus walking time to the PTO would not be more than about 40 minutes, and so I was confident that the papers would be delivered on time and that I could then get back on the Metro and ride it home.

As to the times that the train came, submitted herewith is a declaration of Thomas Ferer, Superintendent of Analysis and Support, Department of Rail Transportation, Office of Rail, Washington Metropolitan Area Transit Authority. This declaration shows that Mr. Ferer checked the Metro records and determined what time trains actually came in to each of the Metro stations that I used that evening. His records show that trains entered the Dupont Circle Metro Station traveling toward Metro Center at 10:38, 10:58, 11:18 and 11:39 p.m. Thus, the first train after 11 o'clock departed Dupont Circle Metro Station at 11:18 p.m. and this corresponds to my recollection.

I took the 11:18 p.m. train and got off at Metro Center in order to change to a Blue or Orange Line train to take me to L'Enfant Plaza where I could change to a Yellow Line train to my final destination at the Crystal City Metro Station. I now realize that this was a mistake and it would have been more efficient for me to have stayed on the Red Line train one more stop to the Gallery Place Metro Station, and directly changed to the Yellow Line to go to Crystal City. Indeed, if I had done so I would have been able to arrive in Crystal City in ample time to deliver the papers to the PTO Mailroom before midnight. This error occurred because I rarely use the Dupont Circle Metro Station and I was unfamiliar with the best route to Crystal City from there.

Mr. Ferer's declaration indicates that trains arrived at Metro Center Station traveling towards L'Enfant Plaza Station at 11:06, 11:16 and 11:25 p.m. The first train I could have taken would have been the 11:25 p.m. train and this comports

with my recollection. This train arrived at L'Enfant Plaza at 23:30, where I waited for a Yellow Line train to arrive. However, after waiting a substantial period of time, I approached a Metro Police Officer, Officer Jeffrey Johnson, and inquired as to the nature of the delay and how long the trains were expected to be behind schedule. Officer Johnson informed me that the Yellow Line trains were running approximately 30 minutes behind, but he could not give me a reason for the delay.

The time was approximately 11:41 p.m. After a few minutes passed, Officer Johnson gave me his card with written confirmation that the Yellow Line trains were indeed running 30 minutes behind schedule. Submitted herewith as Exhibit C is a copy of Officer Johnson's card with this confirmation written thereon.

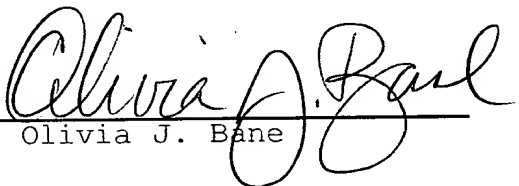
At that moment, I inquired about the possibility of hailing a cab. Officer Johnson informed me that there were no cabs at the L'Enfant Plaza Metro Station and that I would have to locate a cab company and call for one to pick me up. Since there would have been an even greater delay in calling and waiting for a cab, I instead waited for the Yellow Line train to arrive, in hope that one would arrive soon.

Mr. Ferer's declaration confirms that the next Yellow Line train arrived at exactly midnight. The Yellow Line train finally arrived at the Crystal City Metro Station at approximately 12:10 a.m. From the Metro Station, I ran to the PTO Mailroom and arrived at approximately 12:15 a.m.

Upon arriving at the PTO, Building 2, I found that the PTO Mailroom was closed for the evening. I encountered two PTO

Mailroom employees, and desperately pleaded with them to open the doors so I could submit the firm's daily filings, as I was unavoidably delayed by the Metro trains. The employees informed me that they could not possibly help me by re-opening the PTO Mailroom window, as that was strictly forbidden.

The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Olivia J. Bane

Date: January 9, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket:

In re Application of:	)	ATTN: PCT/DO/EO
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PLOUG et al.	)	
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I.A. PCT/DK99/00377	)	
	)	
I.A. Filing Date: 01 July 1999	)	
	)	
Appln. No.: Not yet Assigned	)	Washington, D.C.
	)	
Filed: 07 January 2001	)	January 8, 2001
	)	
For: PEPTIDE ANTAGONISTS OF	)	
THE HUMAN UROKINASE...	)	
	)	

DECLARATION OF ROBYN L. MORIARTY

Sir:

I, the undersigned Robyn L. Moriarty, hereby declare and state as follows:

I am presently the manager of the Docketing Department at Browdy and Neimark, P.L.L.C. I have held this position since October 1996.

One of my responsibilities is to ensure that all of the papers on the docket for a given date for filing in the United States Patent and Trademark Office (PTO) are accounted for. As papers for filing in the PTO are completed and executed, they are brought to the Docketing Department where they are placed in a box until it is time to take them to the



Patent and Trademark Office. I review each paper received before I leave for the day and check it for completeness and then place it into the envelope which is to be hand-carried to the PTO that evening.

Part of the standard operating procedure at Browdy and Neimark is to keep a logbook in the Docketing Department listing each paper filed in the Patent and Trademark Office each day. To the left of the identification of the application is a column in which the initials of the person who reviews the papers and places them in the envelope for carrying to the PTO are inserted. Submitted herewith as Exhibit A are the logbook entries for January 2, 2001. Many of these items contain my initials "RLM" in the left-hand column. I hereby confirm that the initials "rlm" appearing on these pages are my initials and placed there by me. I can therefore state of first-hand knowledge that each and every item bearing my initials were placed into the envelope which was to be carried to the PTO on that day. This includes the U.S. National Phase Application under 35 U.S.C. 371 for PLOUG=1 (International Application No. PCT/DK99/00377), which is the third item listed on the first page of Exhibit A.

The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be

true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

January 8, 2001  
Date

Robyn L. Moriarty  
ROBYN L. MORIARTY

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	ATTN: PCT/DO/EO
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PLOUG et al.	)	
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I.A. PCT/DK99/00377	)	
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I.A. Filing Date: 01 July 1999	)	
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Appln. No.: Not yet Assigned	)	Washington, D.C.
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Filed: 09 January 2001	)	January 9, 2001
	)	
For: PEPTIDE ANTAGONISTS OF	)	Atty.Docket: PLOUG=1
THE HUMAN UROKINASE...	)	
	)	

## DECLARATION OF ROGER L. BROWDY

Sir:

I, Roger L. Browdy, hereby declare and state as follows:

I am one of the two members of Browdy and Neimark, P.L.L.C. A member of a professional limited liability corporation is equivalent to a partner in a law firm partnership. I have been a member of Browdy and Neimark, P.L.L.C., and, prior to its conversion to a professional limited liability corporation, a partner of Browdy and Neimark since 1976. As a member of Browdy and Neimark, P.L.L.C., I have first-hand knowledge of all of the standard operating procedures of the firm.

It is the practice at Browdy and Neimark to collect all papers to be filed in the United States Patent and Trademark Office (PTO) on a given day and to have all of those papers hand-carried to the PTO Mailroom where postcard receipts can be stamped and returned to the person hand-carrying the documents.

Every document to be filed in the PTO Mailroom at the end of each business day is entered into a logbook maintained at the Docketing Department of Browdy and Neimark. Submitted herewith as Exhibit A is a photocopy of the pages from this logbook relating to documents to be filed on January 2, 2001. It can be seen that each page is divided into seven columns. The second, third, fourth and fifth columns identify the paper. Column 2 contains the Browdy and Neimark docket name for the matter, and column 3 contains the client code relating to the matter. The fourth column contains the application number or patent number or, for a new application, the numeric part of the docket number. The fifth column sets forth the nature of the paper(s) being filed with respect to that application, and the sixth column is the date it was placed in the Docketing Department for hand-carrying to the PTO Mailroom.

The first and last columns on the page contain initials. It is the standard operating practice of Browdy and

Neimark that the first column contain the initials of the person who reviews the paper for completeness and places it into the envelope to be hand-carried to the PTO Mailroom. The last column contains the initials of the person who physically carries the papers to the PTO Mailroom.

It can be seen that each line of the left-hand column for January 2, 2001, contains either the initials "OJB" or "RLM". "OJB" is Olivia J. Bane and "RLM" is Robyn L. Moriarty. These two individuals make up the Docketing Department of Browdy and Neimark. It can be seen that each line in the right-hand column is initialed by OB (or OJB). These are also the initials used by Olivia J. Bane.

The duty of carrying papers to the Patent and Trademark Office is spread among several individuals. On January 2, 2001, this duty fell to Olivia J. Bane.

Each person who has the duty to carry papers to the PTO Mailroom is trained to fully understand that the papers must be delivered prior to midnight in order to avoid possibly catastrophic consequences.

Olivia J. Bane was hired as Assistant Docketing Manager on a temporary basis on July 22, 2000. On August 28, 2000, she assumed this position on a permanent basis. This is a position of great responsibility. Throughout her tenure at Browdy and Neimark, Ms. Bane has exhibited excellent attention

to detail and dedication to her duty. She has exhibited absolutely nothing which would suggest a lack of dedication or any exhibition of irresponsibility. Thus, she has been and is still considered by Browdy and Neimark to be a worthy and reliable employee upon whom prudent and careful persons could rely in relation to their most important business.

I have been informed that the Washington Metropolitan Area Transit Authority maintains a website which includes a Ride Guide from which one can determine schedules between different Metro stations and how long it should take to go from one point to another. Submitted herewith as Exhibits D, E and F are three pages printed out from this website. The inquiry which resulted in the print-out identified as Exhibit D was an itinerary from Dupont Circle Metro to Metro Center Metro beginning on January 2, 2001, at 11:00 p.m. It can be seen that a train was scheduled to depart at 11:00 p.m. and arrive at Metro Center Metro Station at 11:04 p.m. The print-out identified as Exhibit E was the result of an inquiry of an itinerary from Metro Center Metro to L'Enfant Plaza Metro beginning on January 2, 2001, at 11:05 p.m. It can be seen that the next available train was scheduled for 11:07 p.m. for arrival at L'Enfant Plaza at 11:11 p.m. The print-out identified as Exhibit F was the result of an inquiry as to the itinerary from L'Enfant Plaza

Metro to Crystal City Metro beginning at 11:12 p.m. on January 2, 2001. It can be seen that this print out shows that the next train was scheduled to arrive at 11:27 p.m. at L'Enfant Plaza and for arrival at the Crystal City Metro Station at 11:47 p.m. Thus, according to this schedule, a person arriving at the Dupont Circle Metro Station in time to catch an 11:00 p.m. train and taking this route to the Crystal City Metro Station should have arrived at the Crystal City Metro Station 47 minutes later.

It is apparent, however, that from the accompanying declarations of Ms. Bane and Ms. Kouakou, that Ms. Bane only arrived at the entrance to the Dupont Circle Metro Station at 11:00 p.m., and, therefore, could not have made the 11:00 p.m. train. Repeating the same entries on the website for trains beginning at 11:01 p.m., the inquiry for each subsequent train beginning one minute after arrival of the previous train at the station, I obtained print-outs which are submitted herewith as Exhibits G, H, and I. It is apparent from this that the delay of one minute made it impossible to arrive at Crystal City before midnight.

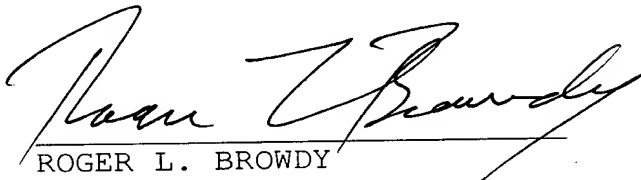
The print-outs attached hereto as Exhibits J and K show that if Ms. Bane had taken the most direct route, i.e., the Red Line train from Dupont Circle to Gallery Place and the Yellow Line train from Gallery Place to Crystal City, she

could have caught the train at Dupont Circle as late as 11:15 p.m. and still arrived at Crystal City Metro Station at 11:36 p.m.

The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

1/9/01

  
ROGER L. BROWDY

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DECLARATION OF THOMAS FERER  
JAN 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF THOMAS FERER

I, Thomas Ferer, hereby declare and state as follows:

I am Superintendent of Analysis and Support, Department of Rail Transportation, Office of Rail, Washington Metropolitan Area Transit Authority (Metro). As part of my duties, I supervise analysis of all data as to operation parameters of the Metro Rail system, including maintaining of records as to Metro Rail train timeliness and exact arrival and departure times of trains at each station.

I have been asked to check the records of my department as to the exact arrival times of trains at the Dupont Circle, Metro Center and L'Enfant Plaza Metro Stations during the evening of January 2, 2001. I have reviewed the records of my department and can state that the following information is true and correct to the best of my knowledge and belief.

On January 2, 2001, our records show that trains on the Red Line heading toward Metro Center arrived at the Dupont Circle Metro Station at 22:38, 22:58, 23:18 and 23:39 hours (10:38 p.m., 10:58 p.m., 11:18 p.m. and 11:39 p.m.). Blue and Orange Line trains arrived at the Metro Center Station

traveling toward L'Enfant Plaza Station at 23:06 (Blue Line), 23:16 (Orange Line) and 23:25 (Blue Line). Yellow Line trains arrived at the L'Enfant Plaza Station in the direction of Crystal City at 23:27 and 24:00.

The Washington Metropolitan Area Transit Authority maintains a website which includes a Ride Guide from which one can determine schedules between different Metro stations, and how long it should take to go from one point to another. This Ride Guide is maintained with accurate information about scheduled train stops.

The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any application in which this declaration is filed or any patent issued thereon.

1-9-2001  
Date

Thomas Ferer  
Thomas Ferer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF CYNTHIA KOUAKOU

I, Cynthia Kouakou, hereby declare and state as follows:

I am Manager of SmarTrip Operations, Washington Metropolitan Area Transit Authority. As part of my duties, I manage the "SmarTrip Line" which answers telephone inquiries about usage of SmarTrip accounts. As such I have access to information as to each SmarTrip account, including time and place of each use and amount charged to the SmarTrip account.

I have been asked to check the records of the SmarTrip account 428762 for any trips commencing on January 2, 2001. I have reviewed the records of my department and can state that the following information is true and correct to the best of my knowledge and belief.

On January 2, 2001, our records show that the SmarTrip card for account no. 428762 was used at the Dupont Circle North entrance of the Dupont Circle Metro Station at 23:00 (11:00 p.m.). That trip was concluded at 00:11 on January 3, 2001 at the Crystal City Metro Station.

The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be

true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any application in which this declaration is filed or any patent issued thereon.

January 9, 2001  
Date

Cynthia Kouakou

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